

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11

ABERDEEN ENTERPRISES, INC.,

Case No. 23-72834-AST

Debtor.

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STATUS LETTER OF MEDIATOR SUBMITTED IN ACCORDANCE WITH AMENDED ORDER
ASSIGNING MATTER TO MEDIATION

James M. Peck, in his capacity as Mediator under terms of the Amended Order Assigning Matter to Mediation (the “Amended Mediation Order”) entered June 27, 2024, hereby files this status letter as required by the Amended Mediation Order and states as follows:

1. All capitalized terms not otherwise defined in this Status Letter shall have the meanings assigned to them in the Amended Mediation Order.
2. Under the Amended Mediation Order, I was given the task of attempting to resolve all disputes among the Mediation Parties.
3. In fulfilling these responsibilities, I reviewed documents furnished to me by the Mediation Parties and spoke with the Mediation Parties at various times in zoom meetings that took place in advance of the mediation session described below.
4. An in-person mediation session took place on July 23, 2024 at the offices of Bay Point’s counsel, attended by counsel for the Debtor and Bay Point and by authorized representatives of Bay Point and the Debtor, each of whom had settlement authority.
5. All Mediation Parties acted in good faith.
6. The mediation did not result in a settlement.

Dated: July 24, 2024

James M. Peck, Mediator

New York, New York

/s/ James M. Peck